

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ANTWAN BOGAN

PLAINTIFF

V.

CIVIL ACTION NO.2:08CV98-WAP-JAD

ANDREW THOMPSON, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

The undersigned recommends *sua sponte* that this action be dismissed for failure to prosecute. On the September 30, 2009 the defendant Andrew Thompson filed a motion for summary judgment. On October 1, 2009 the court entered an order providing the plaintiff with instructions on summary judgment procedures and an additional 20 days in which to file a response to the motion for summary judgment. That order was mailed to the plaintiff. It has been returned to the court as undeliverable. In Civil Action Number 2:09CV104, Bogan, whom the court is advised is now free world, failed to appear for duly noticed *Spears* hearing. The report and recommendation filed in that action has also been returned to the court as undeliverable.

The undersigned recommends that this action be dismissed for failure to prosecute.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72.1(C) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within ten days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

THIS the 15th day of October, 2009.

/s/ JERRY A. DAVIS

UNITED STATES MAGISTRATE JUDGE